

2003 DRAFTING REQUEST

Bill

Received: **08/25/2003**

Received By: **agary**

Wanted: **Soon**

Identical to LRB:

For: **Jerry Petrowski (608) 266-1182**

By/Representing: **Katie Scott (aide)**

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Beverages**

Extra Copies: **RCT**

Submit via email: **YES**

Requester's email: **Rep.Petrowski@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Transfer of grandfathered class A licenses to another municipality

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 08/26/2003	kgilfoy 08/26/2003					S&L
/P1			rschluet 08/26/2003		lemery 08/26/2003		S&L
/1	agary	kgilfoy	jfrantze		lemery	lemery	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	09/05/2003	09/05/2003	09/05/2003	_____	09/05/2003	09/10/2003	

FE Sent For:

<END>

At
Intro.

2003 DRAFTING REQUEST**Bill**Received: **08/25/2003**Received By: **agary**Wanted: **Soon**

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No specific pre topic given

Topic:

Transfer of grandfathered class A licenses to another municipality

Instructions:

See Attached

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/?	agary 08/26/2003	kgilfoy 08/26/2003				↓ req. by Katie in Petrowski's office	S&L
/P1			rschluet 08/26/2003		lemery 08/26/2003		S&L
/1	agary	kgilfoy	jfrantze		lemery		

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Transfer of grandfathered class A licenses to another municipality

Instructions:

See Attached

Drafting History:

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/P1		1 - 9/5 King	rschluet 08/26/2003		lemery 08/26/2003		

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Page 2

FE Sent For:

<END>

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May Contact:

Addl. Drafters:

Subject: **Beverages**Extra Copies: **RCT**Submit via email: **YES**Requester's email: **Rep.Petrowski@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Transfer of grandfathered class A licenses to another municipality

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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1/?

agary

1-8/26
King8-26-3
PG

FE Sent For:

<END>

9/5
9/5

8/25/03

3:00

MTG w/ Rep. Petrowski, Kate Scott,

Eric Jensen

- new draft, PI

- make ~~the~~ 2937 look more

like 2179

Gary, Aaron

From: Eric Jensen [ericj@chorus.net]
Sent: Thursday, August 21, 2003 4:09
To: Aaron Gary
Cc: kathryn.scott@legis.state.wi.us
Subject: LRB-2937/1

Hey Aaron:

Follow up to my voicemail. As I said, I spoke with Katie Scott in Rep. Petrowski's office this afternoon, and she said I should contact you directly.

Our goal - which I understand is the same as Rep. Petrowski's (but I won't speak for him) - is to ensure this bill allows a couple of beer distributors (wholesalers) to get back Class A licenses they lost simply because they moved their warehouses across municipal boundaries, and nothing more.

One thing we want to prevent is raising any possibility that an alcohol retailer business who may have once also held a wholesale license is able to get the wholesale license back.

Given how complex these statutes are and how they're worded, you have done a remarkable job of accomplishing these goals!!

I shared this draft with the regulators at DOR who enforce these provisions, and they thought it could be tightened up just a bit. I agree and want to see what you think.

First - my big question:

- In a draft you did for Senator Decker on the same issue a few months ago (LRB-2179/P1), you made essentially the same changes in S. 125.25(2)(b) -- which is one of the two sections created in 1994 restricting/preventing "dual" licensing (for lack of a better word).

- In LRB-2937/1, you made the changes in S. 125.04(12)(a) - the general license transfer section.

- Since we are trying to keep this as narrow as humanly possible, I believe it should go in 125.25(2)(b) [with appropriate statutory references necessitated by the move]. I say that because:

(i) 125.25(2)(b) contemplates a scenario where a wholesale business wants to transfer a Class A license (the scenario we want to address).

(ii) At the same time, 125.28(2)(b) contemplates a scenario where a retail business wants to transfer a wholesale license (the scenario we want to prevent).

(iii) So, two distinct scenarios were contemplated by the legislature in 1994. If the changes are made in 125.25(2)(b), rather than in the general license transfer section, I believe it absolutely clarifies the current legislative intent to allow a wholesale business to transfer the Class A license across a municipal boundary but not vice versa (crucial if there is ever any question about how the language operates).

- Does that make sense to you? Do you foresee any problems if the change is in 125.25(2)(b) rather than in 125.04(12)(a)?

08/25/2003

My other suggestions come from the DOR regulators and are simply language modifications to the language in LRB-2937/1:

- Change "or" to "and" on line 6;
- Eliminate "or" on line 7, and move "both" between "may" and "be";
- Add "together" between "transferred" and "to" on line 7;
- Change "or" to "and" on line 11;
- Add "Class A" between "transferred" and "license: on line 17;
- Add "Class A" between "the" and "license" on line 18.

Thanks again, Aaron. Please give me a call anytime -- office is 255-6464, and my mobile is 445-9077.

Eric Jensen

Executive Director
Wisconsin Beer Distributors Association
14 West Mifflin Street, Suite 210
Madison, WI 53703
(608)255-6464
Fax: (608)255-6466

RESEARCH APPENDIX - Draft Transfer/Copy Request Form

- Atty's please complete this form and give to Mike Barman (or Lynn E. in his absence)

(Request Made By: ARG) (Date: 8/26/03)



☐ Please transfer the drafting file for

2001 LRB the drafting file

2003 LRB

☒ The final version of the 2001 draft and the final Request Sheet will be copied on yellow paper, and returned to the original 2001 drafting file. A new cover sheet will be created/included listing the new location of the drafting file.

☒ For research purposes, because the 2001 draft was incorporated into a 2003 draft, the complete drafting file will be transferred, as a separate appendix, to the new 2003 drafting file. This request form will be inserted into the "guts" of the 2003 draft. If introduced, the appendix will be scanned/added to the electronic drafting file folder.

— OR —

☒ Please copy the drafting file for

2003 LRB 293711 (include the version) and place it in the

drafting file for 2003 LRB 3164

☒ For research purposes, because the original 2003 draft was incorporated into another 2003 draft, the original drafting file will be copied on yellow paper (darkened/auto centered/reduced to 90%) and added, as a separate appendix, to the new 2003 drafting file. This request form will be inserted into the "guts" of the new 2003 draft. If introduced the appendix will be scanned/added to the electronic drafting file folder.

☒ The original drafting file will then returned, intact, to its folder and filed. For future reference, a copy of the transfer/copy request form will also be added to the "guts" of the original draft.



State of Wisconsin
2003 - 2004 LEGISLATURE

3164/P1
LRB-~~2837~~
ARG:kmg:jf

2003 BILL

Needed
by Fri.
8/29
end of day

1 *Gen. Cat.* AN ACT to amend 125.04 (12) (a) of the statutes; relating to: transferring
2 certain alcohol beverage licenses to premises in another municipality within
3 the same county.

Analysis by the Legislative Reference Bureau

Current law generally prohibits a person from selling alcohol beverages unless the seller possesses a license or permit authorizing the sale. A Class "A" license authorizes the license holder to sell at retail, from premises within the issuing municipality, fermented malt beverages (beer) in original packages for consumption off the licensed premises. A beer wholesaler's license authorizes the license holder to sell to retailers or wholesalers, from premises within the issuing municipality, beer in original packages that may not be consumed on or about the wholesaler's premises. As of May 5, 1994, municipalities may not issue a Class "A" license and a beer wholesaler's license to the same person, but persons holding both a Class "A" license and a beer wholesaler's license issued before that date may, with certain exceptions, continue to operate under both licenses.

Also under current law, with certain restrictions, the holder of an alcohol beverage license may transfer the license to another premises within the same municipality.

7 This bill allows a person who holds Class "A" and beer wholesaler's licenses ^{together} issued before May 5, 1994, to transfer ~~either~~ both licenses to a premises in another municipality within the same county upon approval of the transfer by the municipality receiving the transferred license. Upon approval of the transfer and

BILL

of the Class "A" license

such a

even if

(but not a wholesaler's license)

payment of the transfer fee, the municipality receiving the transferred license must recognize the validity of the license. The bill allows the transfer of a Class "A" license even if the license has been suspended, revoked, or denied renewal if the suspension, revocation, or denial of renewal resulted from relocation of the licensed premises outside the issuing municipality.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 125.04 (12) (a) of the statutes is amended to read:

125.04 (12) (a) *From place to place.* Every alcohol beverage license or permit may be transferred to another place or premises within the same municipality. An alcohol beverage warehouse permit under s. 125.19, a winery permit under s. 125.53 or an intoxicating liquor wholesaler's permit under s. 125.54 may be transferred to another premises within this state. A Class "A" license ^{and a} ~~wholesaler's license~~ identified in s. 125.25 (2) (b) 2. ^{together as provided in s. 125.25 (2) (b) 4.} ~~may be transferred to another premises in any other municipality located in the same county as the issuing municipality if the receiving municipality approves the transfer.~~ Transfers shall be made by the issuing authority upon payment of a fee of \$10 to the issuing authority and, for transfers of ^{as provided in s. 125.25 (2) (b) 4.} ~~a Class "A" license or wholesaler's license identified in s. 125.25 (2) (b) 2. to another municipality,~~ transfers shall be received and the validity of the transferred license ^{is} recognized by the receiving municipality upon approval of the transfer by the receiving municipality and payment to the receiving municipality of an additional fee of \$10. Upon approval of the transfer by the receiving municipality, the issuing municipality shall transfer a Class "A" license identified in s. 125.25 (2) (b) 2., and the receiving municipality shall recognize the validity of the transferred license, even if at the time of transfer the license has been suspended, revoked, or denied

for each transferred license

plain period

BILL

~~renewal under s. 125.12 provided that the suspension, revocation, or denial of
renewal resulted from the licensed premises being relocated outside the corporate
limits of the issuing municipality.~~

No retail licensee, retail permittee, intoxicating
liquor wholesaler or holder of a warehouse or winery permit is entitled to more than
one transfer during the license or permit year. This paragraph does not apply to a
license issued under s. 125.51 (4) (v) or to a reserve "Class B" license, as defined in
s. 125.51 (4) (a).

insert
3-7

SECTION 2. Initial applicability.

(1) This act first applies to applications for transfer of a license made on the
effective date of this subsection.

(END)

INSERT 3-7 ✓

transferred licenses to issue replacement licenses and to treat these replacement licenses as if they had been issued prior to May 5, 1994. The bill allows a licensee to transfer these Class "A" and beer wholesaler's licenses even if the licenses have been suspended, revoked, or denied renewal if the suspension, revocation, or denial of renewal resulted from relocation of the licensed premises outside the issuing municipality.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 125.04 (12) (a) of the statutes is amended to read:

125.04 (12) (a) *From place to place.* Every alcohol beverage license or permit may be transferred to another place or premises within the same municipality. An alcohol beverage warehouse permit under s. 125.19, a winery permit under s. 125.53 or an intoxicating liquor wholesaler's permit under s. 125.54 may be transferred to another premises within this state. A Class "A" license that meets the criteria under s. 125.25 (2) (b) 4. and a wholesaler's license that meets the criteria under s. 125.28 (2) (c) 3. may be transferred together to another premises within the same county as provided in ss. 125.25 (2) (b) 4. and 125.28 (2) (c) 3. Transfers shall be made by the issuing authority upon payment of a fee of \$10. No retail licensee, retail permittee, intoxicating liquor wholesaler or holder of a warehouse or winery permit is entitled to more than one transfer during the license or permit year. This paragraph does not apply to a license issued under s. 125.51 (4) (v) or to a reserve "Class B" license, as defined in s. 125.51 (4) (a).

SECTION 2. 125.25 (2) (b) 3. of the statutes is amended to read:

125.25 (2) (b) 3. If Except as provided in subd. 4., if a person holding a Class "A" license and a wholesaler's license under subd. 2. fails to renew either license, is

upon approval of the transfer by the
receiving municipality,

denied renewal of either license under s. 125.12 or has either license suspended or
revoked under s. 125.12, the person is subject to subd. 1.

SECTION 3. 125.25 (2) (b) 4. of the statutes is created to read:

125.25 (2) (b) 4. ^{Subject to s. 125.04(12)(a), a} ~~a~~ person who holds a Class "A" license and a wholesaler's
license issued under s. 125.28, both of which licenses were issued before May 5, 1994,
may transfer the licenses together to another premises in a different municipality
within the same county. Notwithstanding subd. 1., upon application under s. 125.04
(12) (a) by the licensee to the issuing municipality and transfer of the licenses by the
issuing municipality to the receiving municipality in which the new premises is
located, the receiving municipality shall issue a replacement Class "A" license, which
shall, for purposes of this paragraph, be treated as if it had been issued by the
receiving municipality prior to May 5, 1994. An issuing municipality shall transfer

a Class "A" license under this subdivision, and the receiving municipality shall
recognize the validity of the license, even if, at the time of transfer, the license has
been suspended, revoked, or denied renewal under s. 125.12 provided that the
suspension, revocation, or denial of renewal resulted from the licensed premises
being relocated outside the corporate limits of the issuing municipality.

SECTION 4. 125.25 (3) of the statutes is amended to read:

125.25 (3) Class "A" licenses shall particularly describe the premises for which
issued and are not transferable, except under sub. (2) (b) 4. and s. 125.04 (12). A Class
"A" license is subject to revocation for violation of any of the terms or provisions
thereof.

SECTION 5. 125.28 (2) (c) 2. of the statutes is amended to read:

125.28 (2) (c) 2. If Except as provided in subd. 1. if a person holding a
wholesaler's license and a license or permit under subd. 1. fails to renew a license or

ss, 125.04(12)(a) and 125.25(2)(b)4.

insert 3-7 cont'd

1 permit, is denied renewal of a license or permit under s. 125.12 or has one of the
2 licenses or permits suspended or revoked under s. 125.12, the person is subject to par.
3 (b) with respect to holding a license or permit of that type after the failure or denial
4 of renewal or the revocation or suspension of the license or permit.

5 **SECTION 6.** 125.28 (2) (c) 3. of the statutes is created to read:

6 125.28 (2) (c) 3. A person who holds a Class "A" license issued under s. 125.25
7 and a wholesaler's license, both of which licenses were issued before May 5, 1994,
8 may transfer the licenses together to another premises in a different municipality
9 within the same county. Notwithstanding par. (b), upon application under s. 125.04
10 (12) (a) by the licensee to the issuing municipality and transfer of the licenses by the
11 issuing municipality to the receiving municipality in which the new premises is
12 located, the receiving municipality shall issue a replacement wholesaler's license,
13 which shall, for purposes of this paragraph and par. (b), be treated as if it had been
14 issued by the receiving municipality prior to May 5, 1994. An issuing municipality
15 shall transfer a wholesaler's license under this subdivision, and the receiving
16 municipality shall recognize the validity of the license, even if, at the time of transfer,
17 the license has been suspended, revoked, or denied renewal under s. 125.12 provided
18 that the suspension, revocation, or denial of renewal resulted from the licensed
19 premises being relocated outside the corporate limits of the issuing municipality.

20 **SECTION 7.** 125.28 (3) of the statutes is amended to read:

21 125.28 (3) Wholesalers' licenses shall particularly describe the premises for
22 which issued and are not transferable, except as provided in ~~sub. (2) (c) 3. and s.~~ ^{strike}
23 125.04 (12). A wholesaler's license is subject to revocation for violation of any of the ^{ss.}
24 terms or provisions thereof.

25 ~~Section 8. Initial applicability.~~

and 125.25 (2) (b) 4 ✓

Gary, Aaron

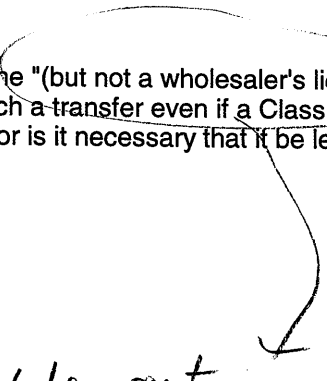
From: Scott, Kathryn
Sent: Friday, September 05, 2003 2:18 PM
To: Gary, Aaron
Subject: RE: Alcohol License Transfer

Thanks Aaron.

One more question: is it possible to keep this draft as it is, except to delete the "(but not a wholesaler's license)" from the last paragraph of the LRB analysis? The part that states: "The bill allows such a transfer even if a Class "A" license (but not a wholesaler's license) has been suspended....." Can this be taken out, or is it necessary that it be left in?



03-3164P1.pdf

9/5 Katie - take out
- make " / " 
- want ASAP



State of Wisconsin
2003 - 2004 LEGISLATURE

TODAY

LRB-3164/1

ARG:kmg:rs

RMC

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT *to amend* 125.04 (12) (a), 125.25 (2) (b) 3., 125.25 (3), 125.28 (2) (c) 2. and
2 125.28 (3); and *to create* 125.25 (2) (b) 4. of the statutes; **relating to:**
3 transferring certain alcohol beverage licenses to premises in another
4 municipality within the same county.

Analysis by the Legislative Reference Bureau

Current law generally prohibits a person from selling alcohol beverages unless the seller possesses a license or permit authorizing the sale. A Class "A" license authorizes the license holder to sell at retail, from premises within the issuing municipality, fermented malt beverages (beer) in original packages for consumption off the licensed premises. A beer wholesaler's license authorizes the license holder to sell to retailers or wholesalers, from premises within the issuing municipality, beer in original packages that may not be consumed on or about the wholesaler's premises. As of May 5, 1994, municipalities may not issue a Class "A" license and a beer wholesaler's license to the same person, but persons holding both a Class "A" license and a beer wholesaler's license issued before that date may, with certain exceptions, continue to operate under both licenses.

Also under current law, with certain restrictions, the holder of an alcohol beverage license may transfer the license to another premises within the same municipality.

This bill allows a person who holds Class "A" and beer wholesaler's licenses issued before May 5, 1994, to transfer both licenses together to a premises in another municipality within the same county upon approval of the transfer by the

7
municipality receiving the transferred license. Upon approval of the transfer and payment of the transfer fee, the municipality receiving the transferred licenses must recognize the validity of the licenses. The bill allows such a transfer even if a Class "A" license ~~of a wholesaler's license~~ has been suspended, revoked, or denied renewal if the suspension, revocation, or denial of renewal of the Class "A" license resulted from relocation of the licensed premises outside the issuing municipality.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 125.04 (12) (a) of the statutes is amended to read:

2 125.04 (12) (a) *From place to place.* Every alcohol beverage license or permit
3 may be transferred to another place or premises within the same municipality. An
4 alcohol beverage warehouse permit under s. 125.19, a winery permit under s. 125.53
5 or an intoxicating liquor wholesaler's permit under s. 125.54 may be transferred to
6 another premises within this state. A Class "A" license and a wholesaler's license
7 identified in s. 125.25 (2) (b) 2. may be transferred together as provided in s. 125.25
8 (2) (b) 4. if the receiving municipality approves the transfer. Transfers shall be made
9 by the issuing authority upon payment of a fee of \$10 to the issuing authority and,
10 for transfers as provided in s. 125.25 (2) (b) 4., transfers shall be received and the
11 validity of the transferred licenses recognized by the receiving municipality upon
12 approval of the transfer by the receiving municipality and payment to the receiving
13 municipality of an additional fee of \$10 for each transferred license. No retail
14 licensee, retail permittee, intoxicating liquor wholesaler or holder of a warehouse or
15 winery permit is entitled to more than one transfer during the license or permit year.
16 This paragraph does not apply to a license issued under s. 125.51 (4) (v) or to a reserve
17 "Class B" license, as defined in s. 125.51 (4) (a).

18 SECTION 2. 125.25 (2) (b) 3. of the statutes is amended to read:

1 125.25 (2) (b) 3. If Except as provided in subd. 4., if a person holding a Class
2 “A” license and a wholesaler’s license under subd. 2. fails to renew either license, is
3 denied renewal of either license under s. 125.12 or has either license suspended or
4 revoked under s. 125.12, the person is subject to subd. 1.

5 **SECTION 3.** 125.25 (2) (b) 4. of the statutes is created to read:

6 125.25 (2) (b) 4. Subject to s. 125.04 (12) (a), a person who holds a Class “A”
7 license and a wholesaler’s license issued under s. 125.28, both of which licenses were
8 issued before May 5, 1994, may transfer the licenses together to another premises
9 in a different municipality within the same county. An issuing municipality shall
10 transfer a Class “A” license under this subdivision, and, upon approval of the transfer
11 by the receiving municipality, the receiving municipality shall recognize the validity
12 of the license, even if, at the time of transfer, the license has been suspended,
13 revoked, or denied renewal under s. 125.12 provided that the suspension, revocation,
14 or denial of renewal resulted from the licensed premises being relocated outside the
15 corporate limits of the issuing municipality.

16 **SECTION 4.** 125.25 (3) of the statutes is amended to read:

17 125.25 (3) Class “A” licenses shall particularly describe the premises for which
18 issued and are not transferable, except under sub. (2) (b) 4. and s. 125.04 (12). A Class
19 “A” license is subject to revocation for violation of any of the terms or provisions
20 thereof.

21 **SECTION 5.** 125.28 (2) (c) 2. of the statutes is amended to read:

22 125.28 (2) (c) 2. If Except as provided in ss. 125.04 (12) (a) and 125.25 (2) (b)
23 4., if a person holding a wholesaler’s license and a license or permit under subd. 1.
24 fails to renew a license or permit, is denied renewal of a license or permit under s.
25 125.12 or has one of the licenses or permits suspended or revoked under s. 125.12,

1 the person is subject to par. (b) with respect to holding a license or permit of that type
2 after the failure or denial of renewal or the revocation or suspension of the license
3 or permit.

4 **SECTION 6.** 125.28 (3) of the statutes is amended to read:

5 125.28 (3) Wholesalers' licenses shall particularly describe the premises for
6 which issued and are not transferable, except as provided in s. ss. 125.04 (12) and
7 125.25 (2) (b) 4. A wholesaler's license is subject to revocation for violation of any of
8 the terms or provisions thereof.

9 **SECTION 7. Initial applicability.**

10 (1) This act first applies to applications for transfer of a license made on the
11 effective date of this subsection.

12 (END)